

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

STANDING HEARING OFFICER DIRECTIVE

DOCKET NO. 2017-99-E ORDER NO. 2017-23-H

MARCH 28, 2017

Standing Hearing Officer: David Butler

DOCKET DESCRIPTION:

Petition of Tom Clements Requesting an Emergency Hearing Regarding South Carolina Electric & Gas Company's Nuclear Construction Project and Westinghouse Bankruptcy Impacts

MATTER UNDER CONSIDERATION:

Responses to Request for an Emergency Hearing Regarding Nuclear Construction Project

STANDING HEARING OFFICER'S ACTION:

Tom Clements has filed a request for an emergency hearing regarding various issues related to the construction of V.C. Summer Nuclear Station Units 2 and 3. Among other issues, Mr. Clements' Petition raises concerns about the potential for Westinghouse, the lead contractor, to file for Chapter 11 Bankruptcy protection. Mr. Clements asserts that this gives rise to questions related to the construction of the Summer units, the ability of the involved parties to complete the project, and the possible effects on South Carolina Electric & Gas ratepayers. Mr. Clements' Petition includes a request for a hearing, which this Standing Hearing Officer construes as a Motion within the Petition.

South Carolina Electric & Gas Company, through counsel, filed a letter on March 22, 2017 referencing its February 15, 2017 letter, which recognized that Toshiba, the parent company of Westinghouse, had received an extension for the filing of its financial documents from February 14, 2017 to March 14, 2017, and that SCE&G would work with Commission Staff after the filing to schedule an allowable *ex parte* communication briefing to discuss matters associated with construction of the V.C. Summer Nuclear Station Units 2 and 3. The March 22, 2017 letter went on to state that Toshiba had obtained another extension for the filing of its financial information until April 11, 2017, and that after this filing, SCE&G would work with the Commission Staff to schedule an allowable *ex parte* communication briefing to discuss the matter. Since the filing of that letter, public sources have further confirmed concerns about a potential Westinghouse Chapter 11 Bankruptcy filing. Given that circumstance, during a meeting between the Standing Hearing Officer and the Chairman of the Commission, it was conveyed that it would be helpful to expedite

the information gathering process on the issue of the parties' positions on the motion for a hearing included in the above-referenced Petition.

With regard to the Tom Clements request for a hearing, 10 S.C. Code Ann. Regs. 103-829 allows ten (10) days for responses to a motion after service. However, the regulation also states that the Commission or its designee may modify this time by Order for good cause. Given the circumstances described above, I hold that good cause has been shown to shorten the response times to Mr. Clements' Motion. Accordingly, responses to the Motion for Emergency Hearing shall be filed with the Commission on or before the close of business on Monday, April 3, 2017. This ruling deals only with the motion for a hearing contained within the Petition, and is not and should not be construed to be a shortening of the time allowed for Answers to Petitions. The parties are not required to file an Answer to the Petition prior to the 30 day requirement found in Commission regulations.